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EXAMINER	
KING, FELICIA C	

ART UNIT	PAPER NUMBER
1789	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

The request for reconsideration has been considered but does not place the application in condition for allowance. Applicants assert that Tanekawa and Morishige are technically incompatible with each other and therefore would not have been combinable by "one skilled in the art". Applicants assert that the references are incompatible because the pH levels during extraction in Morishige are not maintained within the same range as Tanekawa; and because the chemical composition of the separated material is different in Morishige due to an organic solvent added in Morishige and not in Tanekawa. These arguments are not persuasive.

Morishige was not relied upon for its treatment of the solid portion after the solid-liquid separation. In both Tanekawa and Morishige, RNA is extracted from the yeast cells by heating the cells to induce autolysis. Following autolysis, Tanekawa discloses that the liquid portion or the unseparated solid and liquid portions of the cells can be treated as a source of RNA. Following autolysis, Morishige discloses that solid-liquid separation was performed and that the solid containing RNA was further treated. Morishige discloses what Tanekawa does not; that following solid-liquid separation, the solid portion contains RNA and that this portion is used and the RNA extracted is further treated. The recitation of solvent treatment occurs after the solid portion was separated by solid-liquid separation and was not relied upon in the Office Action.

Given the disclosures of Tanekawa and Morishige combined, it would have been obvious to one of ordinary skill in the art to take the solid fraction in Tanekawa and to further subject the solid portion to enzyme treatment to produce 5'-ribonucleotides. This is because Morishige discloses that after autolysis and solid-liquid separation that the solid portion contains RNA. Further, as disclosed by Tanekawa, it is possible and not detrimental to the production of 5'-ribonucleotides, to extract RNA from the solid and liquid portions together before discarding the solid portion. Tanekawa

clearly acknowledges the presence of RNA in the cell wall containing portion of the autolysed yeast and that it would have been possible to separate RNA from the solid portion and to do so would have been obvious to one having ordinary skill in the art.

Further, Applicants argue that claims 8 and 9 would not have been obvious in view of Tanekawa, Morishige, and Halasz based upon the incompatibility of the Tanekawa and Morishige references. Examiner disagrees for the reasons stated above and further maintains that it would have been obvious to modify the process of Tanekawa to include a step where the autolysate is subjected to ultrafiltration prior to enzyme conversion because Halasz discloses that ultrafiltration eliminates or reduces the amount of proteins and components that contribute to bitterness in yeast extract thereby producing a more organoleptically appealing composition.

For the reasons given above, the rejections are maintained.

/F. K./
Examiner, Art Unit 1789

/Timothy M. Speer/
Primary Examiner, Art Unit 1784